

BEFORE THE KANSAS STATE BOARD OF PHARMACY
900 SW JACKSON, STE. 560
TOPEKA, KS 66612-1597

IN THE MATTER)
)
OF)
)
LORI DILLEHAY)
RESPONDENT)
_____)

CASE NO. 07-39

AMENDED CONSENT ORDER

NOW, on this 30th day of January, 2008, the captioned case comes before the Kansas State Board of Pharmacy (Board) by agreement of Respondent, Lori Dillehay, for the purpose of resolving this matter. The Board appears by and through Paul J. Morrison, Attorney General of Kansas, and Derenda J. Mitchell, Assistant Attorney General. Lori Dillehay appears in person, and through counsel, Randy McCalla. The Board, upon mutual consent of the Respondent, finds as follows:

1. Respondent currently holds a pharmacist license number 1-13365.
2. The Board has jurisdiction over Respondent and is authorized to enter into this Consent Order in all respects.
3. Respondent admits to violations of the provisions of the Pharmacy Act of the State of Kansas, K.S.A. 65-1626 et seq., and of the rules and regulations of the Board, promulgated at K.A.R. 68-1a et seq.
4. Prior to and including April 14, 2007, Respondent worked for CVS Pharmacy at CVS Pharmacy in Olathe, Kansas.
5. In 23 instances while working at CVS Pharmacy, Respondent dispensed prescriptions in quantities exceeding the quantities ordered to be filled. Attached hereto as Exhibit A and incorporated herein as though recited in full is a copy of a chart prepared by CVS Pharmacy showing the overfilled prescriptions dispensed by Respondent.

6. Attached hereto as Exhibit B and incorporated herein as though recited in full is a copy of a statement signed by Respondent on April 19, 2007, admitting to overfilling prescriptions.

7. Attached hereto as Exhibit C and incorporated herein as though recited in full is a copy of a promissory note agreed to by Respondent to make restitution to CVS Pharmacy in the amount of \$2481.61 for the prescriptions wrongfully taken from CVS.

8. Filling a prescription that is not in strict conformity with the directions of the prescriber is a violation of K.S.A. 65-1637(a).

9. K.S.A. 65-1627(a)(6) provides for discipline for filling a prescription not in strict accordance with the directions of the practitioner;

10. K.S.A. 65-1627(a)(8) provides for discipline for violations of any of the statutes or regulations of the Board.

11. K.S.A. 65-1627(a) authorizes the Board to revoke, suspend, place in a probationary status, or deny a renewal of any license of the pharmacist for violations of K.S.A. 65-1627(a)(6) or (8).

12. Respondent is subject to discipline under K.S.A. 65-1627(a)(6) for failing to fill a prescription in strict conformity with the directions of the prescriber.

13. Respondent is subject to discipline under K.S.A. 65-1627(a)(8) for failing to follow K.S.A. 65-1627(a)(8).

14. In addition, the Board may issue a civil fine for violation of the provisions K.S.A. 65-1627 in an amount not to exceed \$5,000 for each violation.

15. In order to avoid the expense of a full adjudicatory hearing and to avoid the possibility of discipline greater than that issued herein, Respondent voluntarily enters into this agreement.

16. Respondent understands and waives all rights to notice, a hearing, an adjudication of facts and law, or any manner of review or reconsideration of the findings made herein.

17. Respondent further agrees and waives any right to review, reconsideration, appeal or modification of any findings.

18. The Board retains the full right to discipline Respondent for any and all violations of the Kansas Pharmacy Act and any regulations promulgated thereunder.

19. Respondent consents to this Consent Order and understands that if it is approved by the Board, this Consent Order becomes a final order of the Board, without rights of review reconsideration, appeal or modification or to a formal notice of hearing.

20. In order to comply with this Consent Order, Respondent must sign and return the Consent Order with her signature affixed to the Consent Order.

21. Respondent further agrees to appear personally at the Board's January 30, 2008 meeting, to be held in Topeka, Kansas at 10:00 a.m.

22. Respondent agrees to be suspended for 90 days, commencing on December 23, 2007, during which she shall in no manner hold herself out as a pharmacist licensed to practice in the state of Kansas. This includes a prohibition of work in any pharmacy in any capacity, including work as a technician. The last day of Respondent's 90 day suspension is March 22, 2008.

23. Respondent further agrees to engage the counsel of a licensed clinical social worker, psychologist, or psychiatrist who shall counsel respondent and submit reports every three months directly to the Board until March 30, 2013. Failure of the individual chosen by Respondent to submit the reports required by this Consent Order shall be a violation of this Order and shall result in automatic suspension of Respondent's license until the reporting is resumed. The first report is due to the Board by June 30, 2008.

24. Respondent further agrees that following her 90 day suspension, Respondent will be on probation for an additional five (5) years, March 30, 2008 to March 30, 2013. As a condition of probation and in addition to the mandatory counseling reports identified in paragraph 23 above, Respondent shall cease and desist from dispensing pharmaceuticals of any kind in any manner, as more fully outlined in paragraph 27 below, including but not limited to or for herself, her family, her friends, and specifically to or for Scott McQueen.

25. Respondent further agrees that from March 30, 2008 to March 30, 2013, she shall participate in the CIPP program.

26. If Respondent acquires a job as a pharmacist, she will provide a copy of this Consent Order to her employer.